



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217-524-1655
217-557-1165 FAX

EPA Region 5 Records Ctr.



365694

February 22, 2008

CERTIFIED MAIL:
RETURN RECEIPT REQUESTED
PROMPT REPLY NECESSARY

7002 2030 0001 1873 9535

Key Services, Inc.
3921 Westpoint Blvd.
Winston Salem, NC 27103

Re: Request for Information Pursuant to Section 4(e) of the Illinois Environmental Protection Act, (Act, 415 Illinois Compiled Statutes (ILCS) 5/4(e)) and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA or Superfund, 42 United States Code (U.S.C.) § 9601, et seq.).

Site: 1198010003 - Madison County
Chemetco Site
ILD 048 843 809
Hartford/Madison County
Superfund/Technical Reports

RELEASABLE

FEB 25 2008

REVIEWER MD

This letter seeks your cooperation in providing information and documents relating to the contamination present at the Chemetco Site owned and formerly operated by Chemetco, Inc. in Hartford, Illinois (Site or Chemetco Site). This site is contaminated with high levels of hazardous substances which may present a threat to human health or the environment.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within 30 days of your receipt of this letter.

The Illinois Environmental Protection Agency (Illinois EPA) is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. Illinois EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. Illinois EPA will study the effects of these substances on the environment and public health. In addition, Illinois EPA will identify activities, materials, and parties that contributed to

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contamination at the Site. Illinois EPA believes you might have information that may assist in this investigation of the Site.

Illinois EPA has determined that the decades-long practice at the Chemetco Site of receiving smelting and processing scrap metals and other materials impacted the surrounding soils, groundwater, and surface water and created a hazard for area residents and the environment. The Chemetco facility was built in 1969 and began operations in 1970. The site ceased operations on October 31, 2001 and filed for Chapter 7 bankruptcy on November 13, 2001.

During an investigation by Illinois EPA, it was revealed that the sediment samples collected from the tributary of Long Lake and in Long Lake exceed both ecotoxicological benchmarks and meet observed release criteria according to the Hazard Ranking System for cadmium, copper, lead and nickel. These are all metals which are present at significantly elevated levels in the zinc oxide slurry which Chemetco discharged into Long Lake. In December of 2001, Illinois EPA sampled seven areas around the site where stormwater collects. All seven samples exceeded the effluent standards for lead and several of the samples also exceeded the effluent standards for cadmium, copper, zinc and oil. There exists the potential for wind dispersion of hazardous material from the uncontained slag and zinc oxide piles. In 1998, the United States Environmental Protection Agency (USEPA) sampled the fields adjacent to the slag pile and found high levels of lead and cadmium compared to background levels.

In 1988 and 2000, Illinois EPA found levels of dioxins in the east/west cooling water canal above background. In 1981 the Perched Shallow Aquifer beneath Chemetco contained elevated metals concentration and lowered pH levels. Illinois EPA collected groundwater samples in April, 1998, March, 2001 and May, 2002. During all three of these rounds of sampling, contaminant levels exceeded the 35 Illinois Administrative Code 620 Class I Groundwater Quality Standards. The May 2002 data for the Perched Shallow Aquifer exceeded standards for arsenic, boron, cadmium, copper, iron, manganese, nickel, selenium, and zinc. There were also detections of the organic compounds; cis-1,2-dichloroethylene, methyltertiarybutylether, 1,1,2-trichloroethylene, xylene, phenol, 2-chlorophenol, 2-methylphenol, 4-methylphenol, and 2,4,6-trichlorophenol. In the March, 2001 data the groundwater was found to have exceedences of boron, cadmium, copper, iron, lead, manganese, mercury, nickel, selenium, sulfate and zinc.

Description of Legal Authority

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, *et seq.*, commonly referred to as "CERCLA" and "Superfund" and Section 22.2(f) of the Illinois Environmental Protection Act, 415 ILCS 5/22(f) gives the Illinois EPA the authority to, among other things: (1) assess contaminated sites, (2) determine the threats to human health and the environment posed by each site, and (3) clean up those sites in the order of the relative threats posed by each.

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Pursuant to Section 4(e) of the Illinois Environmental Protection Act, 415 ILCS 5/4(e) and Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), Illinois EPA has broad information gathering authority which allows Illinois EPA to require persons to furnish information and documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

Although the Illinois EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under state and federal law.

Some of the information the Illinois EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish Illinois EPA to treat the information confidentially, you must advise the Illinois EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Illinois EPA in its investigation of Chemetco and the Chemetco Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. If you have specific questions regarding the history of the Chemetco Site or the nature of the actions contemplated by the Illinois EPA, please contact Erin J. Rednour, Remedial Project Manager at 217-785-8725. For questions relating to this information request, please contact Michael S. Roubitchek, Assistant Counsel at 217-782-8858. Your response to this

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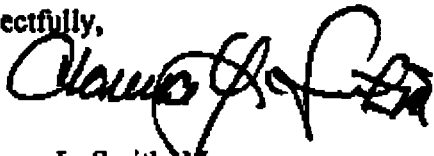
Information Request should be mailed within 30 days of receipt to each of the following addresses:

Erin J. Rednour, Remedial Project Manager
Illinois Environmental Protection Agency
Bureau of Land
Division of Remediation Management
Mailcode 24
Post Office Box 19276
Springfield, Illinois 62794-9276

Techlaw
Attn: Ann Anderson
205 West Wacker Drive
Suite 1622
Chicago, Illinois 60606

We appreciate and look forward to your prompt response to this Information Request.

Respectfully,



Clarence L. Smith, Manager
Federal Site Remediation Section
Division of Remediation Management
Bureau of Land

Enclosures

cc:

Attachment A
Instructions

1. **Answer Every Question Completely.** A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. **Number Each Answer.** Precede each answer with the corresponding number of the question and the subpart to which it responds. Provide all documents containing information relating to or responsive to Appendix B, questions 1-45 below, with pages indexed to the question numbers.
3. **Provide the Best Information Available.** Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Information Request.
4. **Identify Sources of Answer.** For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. **Continuing Obligation to Provide/Correct Information.** If additional information or documents responsive to this Request become known or available to you after you respond to this Request, the Illinois EPA hereby requests pursuant to Section 4(e) of the Illinois Environmental Protection Act and Section 104(e) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), that you supplement your response to the Illinois EPA.
6. **Confidential Information.** The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. The Illinois EPA will maintain the confidentiality of information representing a trade secret. Such information must be submitted in conformance with the requirements of 415 Illinois Compiled Statutes (ILCS) 5/7.1 and 35 Illinois Administrative Code 120.
7. **Disclosure to Illinois EPA Contractor.** Information that you submit in response to this Information Request may be disclosed by Illinois EPA to authorized representatives of the Illinois EPA pursuant to 40 Code of Federal Regulations (C.F.R.) § 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that the Illinois EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) of receiving this Information Request.

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8. **Personal Privacy Information.** Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information".
9. **Objections to Questions.** If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

Please use the following definitions in interpreting the questions and requests for documents in this Information Request:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any," as in "any documents" for example, shall mean "any and all".
3. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, e-mail, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any computer disk, any information stored on a computer hard drive or memory tape or other type of memory generally associated with computers and data processing; and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
4. The term "hazardous material" shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.

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5. The term "hazardous substance" shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances. The hazardous substances are listed at 40 C.F.R. § 302.4.
6. The term "hazardous waste" shall have the same definition as that contained in Subsection 1004(5) of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended, 42 U.S.C. § 6903(5), and 40 C.F.R. Part 261.
7. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses and telephone numbers, and present or last known job title, position or business.
8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g., corporation (including state of incorporation), partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.
9. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (e.g., invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
10. The term "identify" means, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.
11. The terms "includes", or "including" shall not be construed as words of limitation; that is, they shall be construed such that the phrases "without limitation" or "but not limited to" are implied, unless such phrases are already in place. For example, "including x, y, and z" would be construed as "including without limitation x, y, and z" or as "including, but not limited to, x, y and z", but the phrase "including without limitation x, y and z" would be construed as it reads.

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12. The term "material" or "materials" shall mean any objects, goods, substances, or matter of any kind, including scrap metal, batteries, scrap material, and electrical equipment, together with liquid or wastes contained therein.
13. The term "person" shall mean an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body. See Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
14. The term "pollutant or contaminant", shall have the same definition as that contained in Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances.
15. The term "property interest" means any interest in property including but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, a security interest, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
16. The term "recyclable material" has the same definition as contained in 42 U.S.C. § 9627, and means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include:
 - (a) Shipping containers of a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto; or
 - (b) Any item of material that contained polychlorinated biphenyls at a concentration in excess of 50 parts per million or any new standard promulgated pursuant to applicable Federal laws.
17. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601 (22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into

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the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

18. The term "scrap metal" shall have the same definition contained in 42 U.S.C. § 9627 and shall mean bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled, except for scrap metals that the EPA Administrator excludes from this definition by regulation.
19. The term "Site" or "Chemtco Site" shall mean the Chemtco Site located at the following address:

(a) 3576 Chemtco Lane, Hartford, Illinois

The Site is described in the enclosed map (Exhibit 1).

20. The terms "you" or "your company" refer not only to the addressee of this letter as it is currently named and constituted, but also to all predecessors and successors in interest of the addressee, and all subsidiaries, divisions, affiliates, and branches of the addressee and its predecessors and successors.
21. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
22. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, or 40 C.F.R. Part 300, in which case the statutory or regulatory definitions shall apply.
23. The relevant time frame to which the attached Request refers is 1970 to the present.